

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

Wyatt J Ellison,	)	
	)	
Petitioner,	)	
vs.	)	Case No. 13-0756-CV-W-DW-P
	)	
United States of America,	)	
	)	
Respondent.	)	

**ORDER GRANTING PETITIONER PROVISIONAL LEAVE TO PROCEED  
IN FORMA PAUPERIS AND DIRECTING PETITIONER TO CORRECT TECHNICAL  
DEFECTS IN PETITION OR FACE DISMISSAL OF THIS ACTION**

The above-captioned petition has been provisionally filed on July 8, 2013 pursuant to the Court En Banc Order of October 21, 1997. Due to certain technical defects, however, the petition cannot be further processed until such defects are corrected.

To assure further consideration of the petition, PETITIONER MUST CORRECT THE DEFECT LISTED BELOW. **FAILURE TO CORRECT DEFECT MAY RESULT IN DISMISSAL OF PETITIONER'S COMPLAINT.**

  X   PETITIONER HAS FAILED TO INCLUDE THE \$350.00 FILING FEE. PETITIONER HAS THE CHOICE OF EITHER TENDERING THE \$350.00 FEE TO THE CLERK OF THE COURT OR SUBMITTING A REQUEST TO PROCEED IN FORMA PAUPERIS AND AN AFFIDAVIT OF POVERTY IN SUPPORT THEREOF. IF PETITIONER CHOOSES TO DO THE LATTER, THE ENCLOSED PAUPER'S FORMS SHOULD BE COMPLETED AND RETURNED TO THIS COURT.

It is petitioner's responsibility to notify the Clerk of the Court and all defense counsel of any change of address, including transfers between institutions or release. Failure to so in a timely manner may result in dismissal of this case.

**Once a civil case is filed, the entire \$350.00 filing fee may be collected even if the prisoner proceeds in forma pauperis and even if the Court later dismisses the case because it**

**is frivolous, malicious, fails to state a claim, seeks monetary relief against a defendant who is immune from such relief, or the allegation of poverty is untrue. See 28 U.S.C. § 1915(e)(2). If petitioner has no assets at this time, any money later received will be collected in the manner described in 28 U.S.C. § 1915(b).**

Accordingly, it is ORDERED that:

(1) petitioner is granted provisional leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a);

(2) petitioner is directed to correct the above-listed technical defects in this complaint on or before September 3, 2013;

(3) the Clerk of the Court is directed to mail petitioner a copy of this Order along with in forma pauperis forms; and

(4) FAILURE OF PETITIONER TO COMPLY WITH THIS COURT'S ORDER WILL RESULT IN DISMISSAL OF THIS ACTION WITHOUT FURTHER NOTICE TO PETITIONER.

/s/ Dean Whipple  
DEAN WHIPPLE  
UNITED STATES DISTRICT JUDGE

Kansas City, Missouri,  
Dated: August 13, 2013.